

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CITY OF EVANSTON and THE UNITED  
STATES CONFERENCE OF MAYORS,

Plaintiffs,

v.

WILLIAM P. BARR, in his official capacity as  
Attorney General of the United States,

Defendant.

Case No. 18-cv-4853

**THE UNITED STATES CONFERENCE OF MAYORS' MOTION FOR LEAVE TO  
FILE A RESPONSE TO DEFENDANT'S NOTICE OF SUPPLEMENTAL AUTHORITY**

The United States Conference of Mayors (the "Conference") respectfully moves the Court for an order granting it leave to file *instanter* a response in opposition to defendant William P. Barr's (the "Attorney General") notice of supplemental authority (Dkt. 112) in opposition to the Conference's motion for attorney fees (Dkt. 100). In support, the Conference respectfully states as follows:

1. On February 28, 2020, the Conference and the Attorney General completed briefing on the Conference's motion for attorney fees and expenses pursuant to the Equal Access to Justice Act. Dkt. 100, 109, 111.

2. On March 2, 2020, the Attorney General filed a notice of supplemental authority in opposition to the Conference's motion for attorney fees in which the Attorney General argues the Second Circuit's recent decision in *State of New York v. U.S. Department of Justice*, No. 19-267, 2020 WL 911417 (2d Cir. Feb. 26, 2020) supports his position. Dkt. 112 at 1-2.

3. The Attorney General improperly failed to seek leave to file the supplemental authority and included with his filing new arguments against the Conference's motion for attorney fees. *See Tyagi v. Sheldon*, No. 16-11236, 2017 WL 4130532, at \*3 (N.D. Ill. Sept. 18,



2017) (“If a party wishes to file additional authority in support of a pending motion after its brief has been filed, the party must seek leave to do so... If leave to file such authority is granted, it should be filed without annotation or explanation.”).

4. Accordingly, to address the Attorney General’s supplemental authority and new arguments, the Conference respectfully seeks leave to file *instanter* a brief response.

WHEREFORE, for the reasons stated above, the Conference respectfully requests leave to file *instanter* the response in opposition to the Attorney General’s notice of supplemental authority attached to this motion as Exhibit 1.

Dated: March 10, 2020

Respectfully submitted,

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THE UNITED STATES CONFERENCE  
OF MAYORS

By: /s/ Brian C. Haussmann  
One of Its Attorneys



**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2020, I electronically filed the foregoing document by using the Court's CM/ECF system. Counsel for all parties are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

By: /s/ Brian C. Haussmann  
Brian C. Haussmann